

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| | | |
|------------------------------|---|----------------------------|
| SHAUN EDWARD KIMMEL, |) | |
| |) | Civil Action No. 07 - 338 |
| |) | |
| Petitioner, |) | |
| |) | District Judge Terrence F. |
| v. |) | McVerry |
| |) | |
| FRANKLIN J. TENNIS; DISTRICT |) | |
| ATTORNEY FOR THE COUNTY OF |) | |
| WESTMORELAND; and the |) | |
| ATTORNEY GENERAL FOR THE |) | |
| STATE OF PENNSYLVANIA, |) | |
| |) | |

Respondents.

ORDER

On March 16, 2007, the above captioned case was initiated by the filing of a Petition for Writ of Habeas Corpus (doc. no. 1) and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (doc. no. 17), filed on October 15, 2007, recommended that Petition for Writ of Habeas Corpus be denied. Petitioner was served with the Report and Recommendation and was advised he was allowed ten (10) days from the date of service to file written objections to the Report and Recommendation. No objections have been filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 9th day of November, 2007;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 17) of Magistrate Judge Lenihan, dated October 15, 2007, is **ADOPTED** as the opinion of the court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

BY THE COURT:

s/ Terrence F. McVerry
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Shaun Edward Kimmel, FT - 6013
S.C.I. at Rockview
Box A
Belle Fonte, PA 16823